

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DESHAWN DRUMGO, SR.,

No. 3:20-CV-01829

Plaintiff,

(Chief Judge Brann)

v.

(Chief Magistrate Judge Mehalchick)

SERGEANT FUNK, *et al.*,

Defendants.

ORDER

FEBRUARY 23, 2022

Deshawn Drumgo, Sr. filed this civil rights complaint alleging that his rights have been violated by numerous defendants.¹ On December 20, 2021, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court deny the pending motion to dismiss.² No timely objections were filed to the Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in

¹ Doc. 1.

² Doc. 42.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error in Chief Magistrate Judge Mehalchick’s conclusion that the motion to dismiss should be denied. Consequently, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 42) is **ADOPTED**;
2. Defendants’ motion to dismiss (Doc. 31) is **DENIED**; and
3. This matter is **REMANDED** to Chief Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.